

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

LOUISE BERARDO,

Plaintiff,

vs.

08-CV-642

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

**Thomas J. McAvoy,
Senior United States District Judge**

DECISION and ORDER

This matter was referred to the Hon. Victor E. Bianchini, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. In a Report and Recommendation dated May 26, 2010 (“Report-Recommendation”), Magistrate Judge Bianchini recommended that the Commissioner’s decision denying disability benefits be **AFFIRMED** in accordance with his recommendation and pursuant to sentence four of 42 U.S.C. Section 405(g). No objections to the Report and Recommendation have been lodged and the time for filing objections has expired.

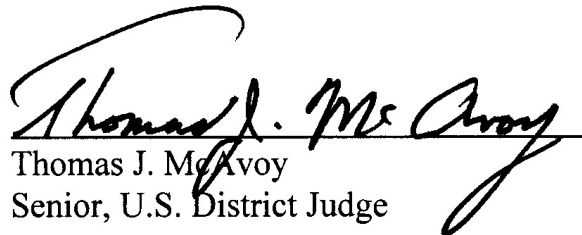
After examining the record, this Court has determined that the Report and Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report and Recommendation for the reasons stated therein.

Therefore, the Commissioner's decision denying disability benefits is **AFFIRMED** in

accordance with Magistrate Judge Bianchini's recommendation and pursuant to sentence four of 42 U.S.C. Section 405(g).

IT IS SO ORDERED.

Dated: September 1, 2010


Thomas J. McAvoy
Senior, U.S. District Judge